

JOINT RULES RESOLUTION ON VICTIM SELECTION EVIDENCE

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This joint resolution amends the Utah Rules of Evidence by enacting a rule that prohibits the admissibility of evidence regarding the defendant's selection of the victim, except as specified.

Highlighted Provisions:

This resolution:

- ▶ provides that a criminal defendant's expressions or associations are not admissible as evidence of the defendant's selection of the victim when addressing a victim selection penalty enhancement, except when the evidence:
 - specifically relates to the crime charged; or
 - is introduced for impeachment.

Money Appropriated in this Bill:

None

Other Special Clauses:

This resolution provides an immediate effective date.

Utah Code of Evidence Affected:

ENACTS:

Rule 417, Utah Code of Evidence

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 417**, Utah Code of Evidence is enacted to read:

Rule 417. Admissibility of Evidence of the Actor's Expression or Association in Victim Selection Criminal Penalty Enhancements.

33 Evidence of a criminal defendant's expressions or associations is not admissible to
34 establish a penalty enhancement for the defendant's selection of the victim unless the evidence
35 is otherwise admissible under these rules, and:
36 (1) specifically relates to the crime charged; or
37 (2) is introduced for impeachment.
38 Section 2. **Effective date.**
39 This resolution takes effect upon approval by a constitutional two-thirds vote of all
40 members elected to each house.

Legislative Review Note
Office of Legislative Research and General Counsel